

AMENDED IN ASSEMBLY APRIL 14, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 765

Introduced by Assembly Member Salinas

February 18, 2005

An act to amend Section 14035.55 of the Government Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 765, as amended, Salinas. Rail feeder bus service.

Existing law authorizes the Department of Transportation to provide funding to Amtrak for the purpose of entering into a contract with a motor carrier of passengers for the intercity transportation of passengers over regular routes *for the purpose of providing feeder bus service to rail stations* if, among other things, the motor carrier is not a public recipient of specified governmental assistance, except a local public motor carrier that proposes to serve passengers only within its service area is excluded from this ~~requirement~~ *restriction*.

This bill would ~~also exclude 2 connecting local public motor carriers that propose to serve passengers only within their service areas from the requirement~~ *authorize the department to enter into an agreement with a public motor carrier in the County of Monterey to provide mixed-mode feeder bus service between San Jose and Monterey via Gilroy, subject to termination if a private motor carrier operates a scheduled service on the San Jose-Gilroy-Monterey route.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

~~SECTION 1. Section 14035.55 of the Government Code is amended to read:~~

SECTION 1. Section 14035.55 of the Government Code is amended to read:

14035.55. (a) The Legislature finds and declares all of the following:

(1) Intercity passenger bus service provided by intercity bus companies on a regular route basis is the only public mass transportation service in the state to provide surface transportation without public subsidy.

(2) The long-term maintenance of private sector intercity passenger service is of vital importance to the state.

(3) Intercity bus companies serve ~~over 250~~ *many* communities throughout California, providing a network of connection points without equal by any other mode of public or private transportation.

(b) To the extent permitted by federal law, the department shall encourage Amtrak and motor carriers of passengers to do both of the following:

(1) Combine or package their respective services and facilities to the public as a means of improving services to the public.

(2) Coordinate schedules, routes, rates, reservations, and ticketing to provide for enhanced intermodal surface transportation.

(c) Except as authorized under ~~subdivision~~ *subdivisions* (e) and (f), the department may provide funding to Amtrak for the purpose of entering into a contract with a motor carrier of passengers for the intercity transportation of passengers by motor carrier over regular routes only if all of the following conditions are met:

(1) The motor carrier is not a public recipient of governmental assistance, as defined in Section 13902(b)(8)(A) of Title 49 of the United States Code, other than a recipient of funds under Section 5311(f) of that title and code. This paragraph does not apply if a local public motor carrier proposes to serve passengers only within its service area.

(2) Service is provided only for passengers on trips where the passengers have had prior movement by rail or will have

1 subsequent movement by rail, evidenced by a combination rail
2 and bus one-way or roundtrip ticket.

3 (3) Vehicles of the motor carrier, when used to transport
4 passengers pursuant to paragraph (2), are used exclusively for
5 that purpose.

6 (4) The motor carrier is registered with the United States
7 Department of Transportation (DOT) and operates in compliance
8 with the federal motor carrier safety regulations, and provides
9 service that is accessible to persons with disabilities in
10 compliance with applicable DOT regulations pertaining to
11 Amtrak services, in accordance with the federal Americans with
12 Disabilities Act of 1990 (Public Law 101-336).

13 (d) The department shall incorporate the conditions specified
14 in subdivision (c) into state-supported passenger rail feeder bus
15 service agreements between Amtrak and motor carriers of
16 passengers. The bus service agreements shall also provide that a
17 breach of those conditions shall be grounds for termination of the
18 agreements.

19 (e) Notwithstanding subdivisions (c) and (d), the department
20 may provide funding to Amtrak for the purpose of entering into a
21 contract with a motor carrier of passengers to transport Amtrak
22 passengers on buses operated on a route, if the buses are operated
23 by the motor carrier as part of a regularly scheduled, daily bus
24 service that has been operating consecutively without an Amtrak
25 contract for 12 months immediately prior to contracting with
26 Amtrak.

27 (f) *Notwithstanding subdivisions (c) and (d), or any other*
28 *provision of law, the department may enter into a contract, either*
29 *directly with a public motor carrier in the County of Monterey,*
30 *or indirectly with that carrier through a contract with Amtrak, to*
31 *provide mixed-mode feeder bus service on the San*
32 *Jose-Gilroy-Monterey route. However, the contract shall be*
33 *terminated, within 120 days' notice to the public motor carrier, if*
34 *a private motor carrier again operates a scheduled service on*
35 *the San Jose-Gilroy-Monterey route.*

36 (g) For purposes of this section, the following terms have the
37 following meanings:

38 (1) "Amtrak" means the National Railroad Passenger
39 Corporation.

(2) “Department” means the Department of Transportation or the department’s successor with respect to providing funds to subsidize Amtrak service.

(3) “Motor carrier of passengers” means a person or entity providing motor vehicle transportation of passengers for compensation.

(4) *“Mixed-mode feeder bus service” means bus service carrying both passengers connecting to or from a rail service and passengers only using the bus service.*

~~14035.55. (a) The Legislature finds and declares all of the following:~~

~~(1) Intercity passenger bus service provided by intercity bus companies on a regular route basis is the only public mass transportation service in the state to provide surface transportation without public subsidy.~~

~~(2) The long-term maintenance of private sector intercity passenger service is of vital importance to the state.~~

~~(3) Intercity bus companies serve over 250 communities throughout California, providing a network of connection points without equal by any other mode of public or private transportation.~~

~~(b) To the extent permitted by federal law, the department shall encourage Amtrak and motor carriers of passengers to do both of the following:~~

~~(1) Combine or package their respective services and facilities to the public as a means of improving services to the public.~~

~~(2) Coordinate schedules, routes, rates, reservations, and ticketing to provide for enhanced intermodal surface transportation.~~

~~(c) Except as authorized under subdivision (c), the department may provide funding to Amtrak for the purpose of entering into a contract with a motor carrier of passengers for the intercity transportation of passengers by motor carrier over regular routes only if all of the following conditions are met:~~

~~(1) The motor carrier is not a public recipient of governmental assistance, as defined in Section 13902(b)(8)(A) of Title 49 of the United States Code, other than a recipient of funds under Section 5311(f) of that title and code. This paragraph does not apply if a local public motor carrier or two connecting local~~

~~public motor carriers propose to serve passengers only within their service area or areas.~~

~~(2) Service is provided only for passengers on trips where the passengers have had prior movement by rail or will have subsequent movement by rail, evidenced by a combination rail and bus one-way or roundtrip ticket.~~

~~(3) Vehicles of the motor carrier, when used to transport passengers pursuant to paragraph (2), are used exclusively for that purpose.~~

~~(4) The motor carrier is registered with the United States Department of Transportation (DOT) and operates in compliance with the federal motor carrier safety regulations, and provides service that is accessible to persons with disabilities in compliance with applicable DOT regulations pertaining to Amtrak services, in accordance with the federal Americans with Disabilities Act of 1990 (Public Law 101-336).~~

~~(d) The department shall incorporate the conditions specified in subdivision (e) into state-supported passenger rail feeder bus service agreements between Amtrak and motor carriers of passengers. The bus service agreements shall also provide that a breach of those conditions shall be grounds for termination of the agreements.~~

~~(e) Notwithstanding subdivisions (c) and (d), the department may provide funding to Amtrak for the purpose of entering into a contract with a motor carrier of passengers to transport Amtrak passengers on buses operated on a route, if the buses are operated by the motor carrier as part of a regularly scheduled, daily bus service that has been operating consecutively without an Amtrak contract for 12 months immediately prior to contracting with Amtrak.~~

~~(f) For purposes of this section, the following terms have the following meanings:~~

~~(1) "Amtrak" means the National Railroad Passenger Corporation.~~

~~(2) "Department" means the Department of Transportation or the department's successor with respect to providing funds to subsidize Amtrak service.~~

- 1 ~~(3) “Motor carrier of passengers” means a person or entity~~
- 2 ~~providing motor vehicle transportation of passengers for~~
- 3 ~~compensation.~~

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